

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Erick Brask, David Diez, Joel Elden, William Engelhard, Jr., James Garin, Brian Gourley, Ronald Green, Ilya Guralnik, Michael Johnson, Shelby Johnson, Jeffrey Johnston, Robert Kadlec, Thomas Knack, Ronald Larson, Bruce Massey, Gregory McCarthy, Sean McGivern, Lee Meyer, Mary Miner, Derrick Moore, Daniel Mroszak, Shane Opdahl, Gregory Ostenson, John Rock, Cornell Sims, Lyle Smith, Gary Stevens, Jr., Gregory Torgerson, and Kenneth Tyrrell,

Civil No. 06-11 (RHK/AJB)

Plaintiffs,

v.

Heartland Automotive Services, Inc.,
d/b/a Jiffy Lube, a Minnesota Corporation,

Defendant.

ORDER GRANTING FINAL APPROVAL OF SETTLEMENT AND FINAL JUDGMENT

THIS MATTER came before the Court on August 7, 2006, on a joint motion by the parties for approval of the settlement set forth in the Joint Stipulation of Settlement and Release (“Stipulation of Settlement”). Based on the terms of the Stipulation of Settlement, the Court finds as follows:

1. The Report & Recommendation of United States Magistrate Judge Arthur J. Boylan recommending that the parties’ joint motion for approval of settlement be granted is **ADOPTED**.

2. Based on the Stipulation of Settlement, Notice of Settlement, Settlement Approval and Release of Claims Form, Final Settlement Allocations spreadsheet, and all of the files, records, and proceedings, herein, the Court finds that the terms and conditions of settlement set forth in the Stipulation of Settlement is fair, reasonable, and in the best interest of the Plaintiffs.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. This Order incorporates by reference the definitions in the Stipulation of Settlement, all terms used herein shall have the same meanings set forth in the Stipulation of Settlement.
2. Pursuant to the procedures for a collective action under the Fair Labor Standards Act and as otherwise required, this Court hereby approves the settlement set forth in the Stipulation and Settlement and finds that said settlement is, in all respects, fair and reasonable.
3. This Court has jurisdiction over subject matter and the parties and retains continuing jurisdiction over (a) implementation of this settlement and any award or distribution of the settlement payments; and (b) construction, enforcement and administration of the Stipulation of Settlement.
4. All of the Plaintiffs' claims are hereby dismissed with prejudice.

DATED: August 30, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge